

Be Certain.

KCIC



**ASBESTOS LITIGATION:**

**2020 YEAR IN REVIEW**

**KCIC Industry Report**

## TABLE OF CONTENTS

<b>3</b>	INTRODUCTION	
<b>3</b>	FILINGS OVERVIEW	
<b>6</b>	JURISDICTION TRENDS	
<b>7</b>	PLAINTIFF FIRM TRENDS	
<b>9</b>	MESOTHELIOMA FOCUS	
<b>11</b>	LUNG CANCER FOCUS	
<b>13</b>	A LOOK AT DEFENDANTS	
<b>14</b>	A LOOK AT PLAINTIFFS - GENDER AND EXPOSURE TYPES	
<b>15</b>	A LOOK AT PLAINTIFFS - PERSONAL JURISDICTION/FORUM SHOPPING	
<b>17</b>	A LOOK AT PLAINTIFFS - AGE ANALYSIS	
<b>19</b>	MESOTHELIOMA INCIDENCE AND PROPENSITY TO SUE	
<b>22</b>	DOFE CREEP	

## INTRODUCTION

Asbestos litigation is a mature tort that has adversely affected many defendants for decades. While thousands of asbestos-related lawsuits have been filed, there is no national registry of complaints. This restricts the ability of defendants to know the scope of the litigation beyond the lawsuits in which they are named. Through its Claims Administration practice, KCIC receives and processes complaints for an estimated 90+% of all asbestos lawsuits filed nationally. The publicly available information contained in these complaints is used for this “Asbestos Litigation: 2020 Year in Review” and other similar analyses published by KCIC.

The data include all complaints filed through 2020 that were received by KCIC through January 31, 2021<sup>1</sup>. On average, there is a lag of approximately one month between when a complaint is filed and when it is processed by KCIC. While 2020 filings will likely continue to be received in 2021, reporting on the vast majority of filings at this point allows for timely analysis of 2020 trends.

## FILINGS OVERVIEW

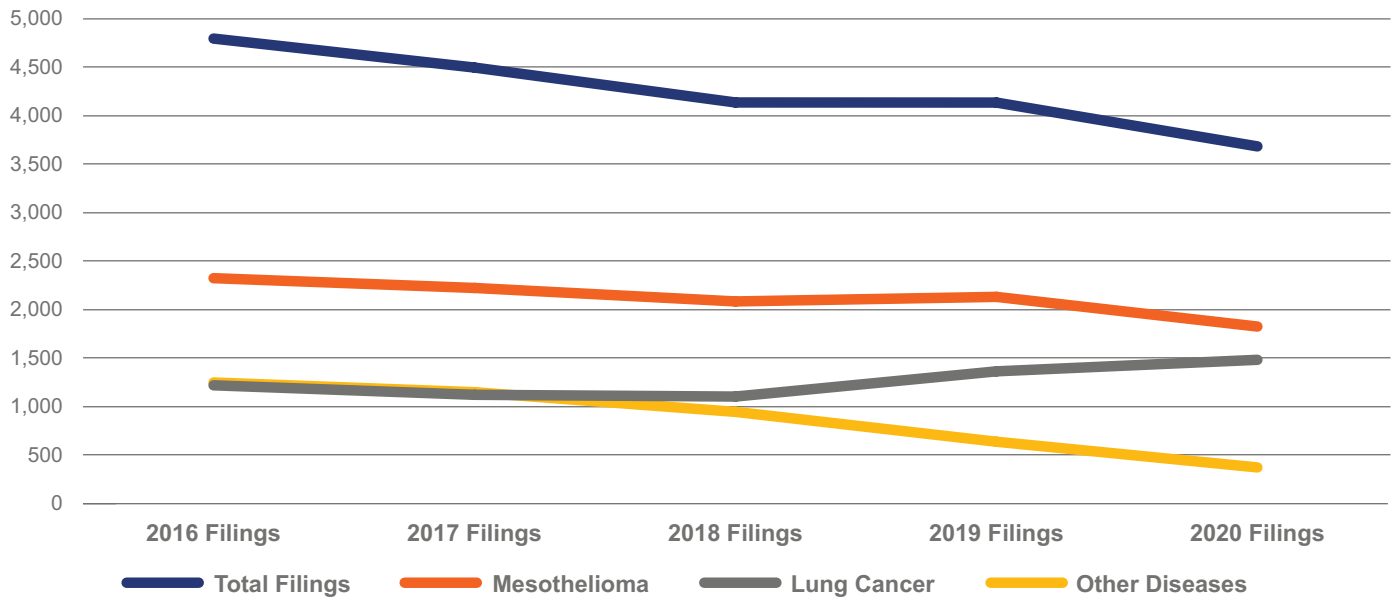
Overall, asbestos filings for 2020 decreased 11% compared to the previous year, with 3,685 filings in 2020 compared to 4,137 in 2019. Prior to 2019, asbestos filings had declined by about 8% per year on average since 2016. Then, 2019 stagnated with no significant change in total filings compared to 2018 before the 11% drop in 2020. Figure Filings – 1 shows total asbestos filings per year for the three most recent file years.

ASBESTOS FILINGS BY YEAR

Year	Filings
2018	4,138
2019	4,137
2020	3,685

Filings – 1

ASBESTOS FILING TRENDS 2016-2020



Filings – 2

Figure Filings – 2 shows filing trends for total filings and disease types for the past five years. In 2020, filings for every major disease type decreased except for lung cancer. While 2020 mesothelioma cases decreased by 14% compared to 2019 (2,133 filings in 2019 to 1,827 filings in 2020), lung cancer filings increased by 9% (1,365 filings in 2019 to 1,484 filings in 2020). The continued increase in lung cancer filings, which began in 2018, was due in part to increased filings by eight of the top 10 firms filing lung cancer cases. In fact, four of these firms more than doubled their 2019 lung cancer filing counts.

<sup>1</sup>Generally, unless otherwise stated, complaints alleging only talc exposures without also alleging other exposure to asbestos are excluded.

At the same time, non-malignant filings continued to decrease even more than in 2019. Non-malignant filings in 2020 were 53% lower than in 2019, whereas 2019 non-malignant filings were only 28% lower than 2018. The majority of this decrease came from the Law Offices of Peter Angelos, which filed 91% fewer non-malignant filings in 2020 than the prior year, and Goldberg, Persky & White which had an 84% decrease in non-malignant filings compared to 2019. Figure Filings – 3 shows total asbestos filings by disease for the past three years, along with the percentage change between 2019 and 2020 for each.

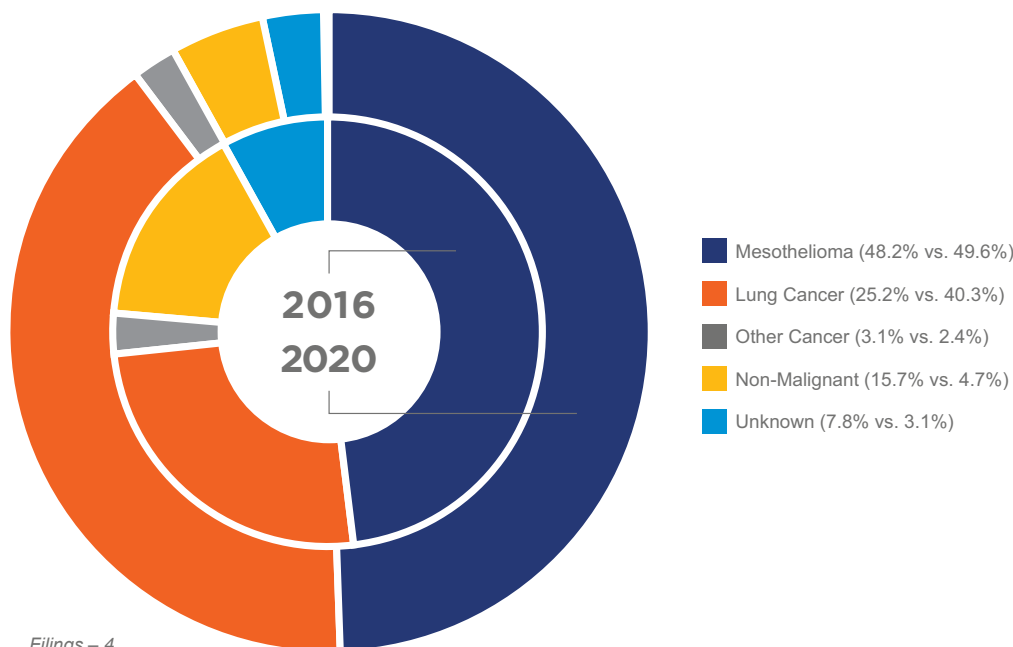
**ANNUAL ASBESTOS FILINGS BY DISEASE**

Disease	2018 Filings	2019 Filings	2020 Filings	% Change 2019-2020
Mesothelioma	2,086	2,133	1,827	-14.3%
Lung Cancer	1,105	1,365	1,484	8.7%
Other Cancer	91	98	88	-10.2%
Non-Malignant	510	366	172	-53.0%
Unknown	346	175	114	-34.9%
<b>Grand Total</b>	<b>4,138</b>	<b>4,137</b>	<b>3,685</b>	<b>-10.9%</b>

Filings – 3

While the total number of mesothelioma cases decreased 14%, the percentage of total filings made up by mesothelioma claims only decreased 2% from 52% of 2019 filings to 50% of 2020 filings. Lung cancer filings made up 40% of all 2020 filings, an increase compared to 33% of 2019 filings. To get a better sense of how the disease mix of asbestos claims has changed over the past five years, we looked at 2016 filings compared to 2020. While the percentage of total filings made up by mesothelioma claims has remained fairly constant from 48% in 2016 to 50% in 2020, the share of total filings made up of lung cancer cases has greatly increased from 25% in 2016 to 40% in 2020. At the same time, the percentage share of non-malignant filings has decreased from 16% to 5% and that of unknown/unstated disease has decreased from 8% to 3% in the same time frame. Figure Filings – 4 shows the change in the disease mix of total filings in 2016 (shown in the inner circle) compared to 2020 (shown in the outer circle).

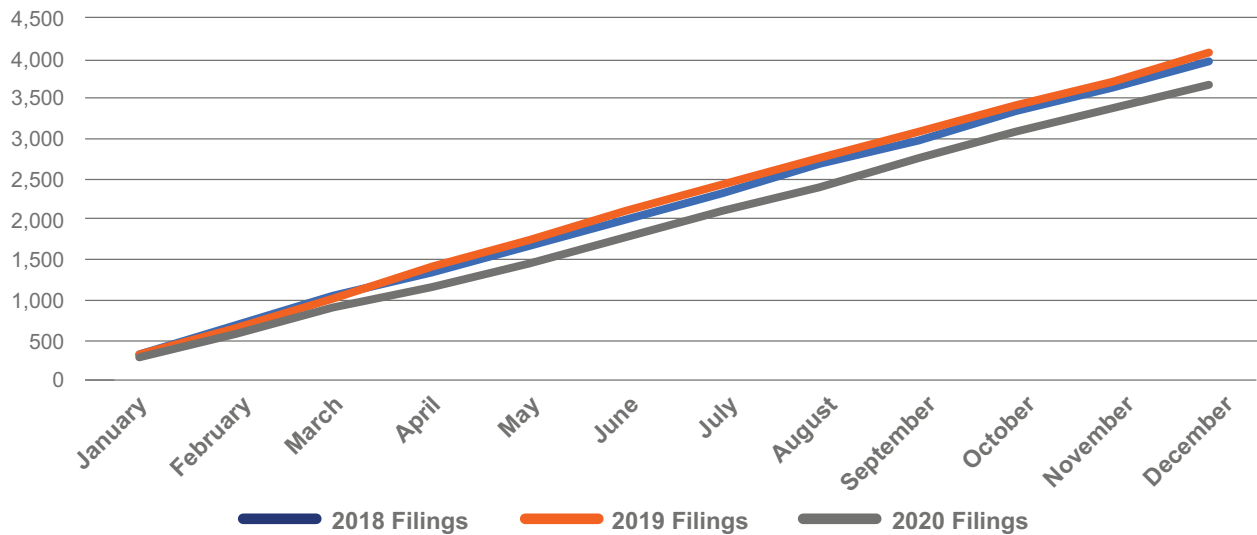
**FILINGS BY DISEASE (2016 VS. 2020)**



Filings – 4

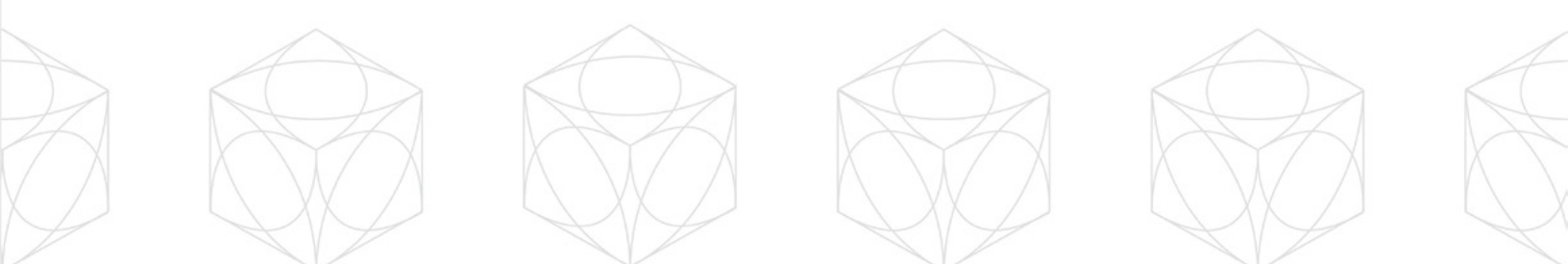
In reporting on 2020, the COVID-19 virus must be acknowledged. The decrease in total filings between 2019 and 2020 might be partially attributable to the global pandemic, which shut down most of the country, including courts, at various times throughout the year. In an attempt to gauge what effect, if any, the pandemic has had on asbestos filings, the data was reviewed for a point-in-time comparison. For this analysis, we looked at the number of 2018, 2019, and 2020 lawsuits filed each month, with filings restricted to only those received and processed through January 31 of each year. In other words, 2020 filings received through January 31, 2021, were compared month-by-month to 2019 filings received through January 31, 2020, and 2018 filings received through January 31, 2019. Figure Filings – 5 shows the cumulative progression of these filings by month for the past three years.

**CUMULATIVE FILINGS BY MONTH RECEIVED AS OF 1/31 EACH YEAR**



Filings – 5

This analysis shows a more dramatic decrease from what was filed in March and April of 2018 and 2019 and what was filed in March and April of 2020 – the months of most pandemic-related shutdowns. March 2020 filings were 18% lower than March 2019, and April 2020 saw an even larger percentage decrease of 27% compared to the same month in 2019. As 2020 progressed, filings caught up somewhat to prior years. For instance, September and October 2020 both had higher filings than those same months in 2019, with increases of 6% and 3%, respectively.



## JURISDICTION TRENDS

The top 15 jurisdictions for 2020 asbestos filings are shown in Figure Jurisdictions - 1 along with 2018 and 2019 filing counts, ranks for those locations, and the percentage change in filings between 2019 and 2020 for each.

### TOP 15 JURISDICTIONS BASED ON 2020 FILINGS

Jurisdiction	2018 Filings	2018 Rank	2019 Filings	2019 Rank	2020 Filings	2020 Rank	% Change 2019-2020
Madison County, IL	1,096	1	1,159	1	1,168	1	0.8%
St. Clair County, IL	266	4	377	2	424	2	12.5%
New York, NY	346	2	314	3	310	3	-1.3%
Philadelphia, PA	214	5	247	4	209	4	-15.4%
St. Louis, MO	183	6	234	5	196	5	-16.2%
New Castle, DE	100	9	71	12	127	6	78.9%
Wayne County, MI	107	8	158	7	111	7	-29.7%
Cook County, IL	168	7	134	8	105	8	-21.6%
Los Angeles, CA	100	9	123	9	90	9	-26.8%
Kanawha, WV	97	11	97	10	69	10	-28.9%
Middlesex, NJ	96	12	60	14	69	10	15.0%
San Francisco, CA	59	14	48	17	65	12	35.4%
Allegheny, PA	61	13	86	11	61	13	-29.1%
Alameda, CA	50	17	55	16	54	14	-1.8%
Baltimore City, MD	330	3	166	6	54	14	-67.5%
<b>Total (Top 15)</b>	<b>3,273</b>		<b>3,329</b>		<b>3,112</b>		<b>-6.5%</b>
<b>Total (All)</b>	<b>4,138</b>		<b>4,137</b>		<b>3,685</b>		<b>-10.9%</b>

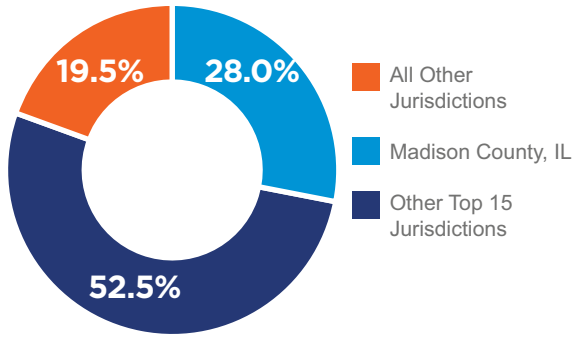
*Jurisdictions - 1*

While the majority of jurisdictions experienced a decrease in 2020 filings compared to 2019, total filings in the top 15 jurisdictions decreased only 7% compared to the overall decrease of 11% nationally. The largest decline in filings among the top 15 jurisdictions was the 68% decrease (166 filings to 54 filings) in Baltimore City, Md., due mostly to a continued decline in filings by the Law Offices of Peter G. Angelos and the court's focus on cleaning out the backlog of old cases still pending on the docket there. Other notable decreases in filing activity took place in Wayne County, Mich., and Allegheny, Pa., where 2020 filings were 30% and 29% lower, respectively, than in 2019. Other jurisdictions, like Orleans Parish, La. (36% decrease) and Middlesex, Ma. (47% decrease) experienced enough of a decrease since 2019 that they are no longer in the top 15 jurisdictions for 2020.

Not all jurisdictions experienced a decrease in filing activity in 2020. Madison County, Ill., remained fairly constant with just under a 1% increase compared to 2019. The largest increase in filings within the top jurisdictions was the 79% increase that occurred in New Castle, Del., due to the Napoli Shkolnik firm filing almost eight times as many lawsuits there in 2020 than in 2019 – 69 filings in 2020 compared to just nine in 2019. Another substantial increase in filings occurred in San Francisco, Calif., where filings were 35% higher in 2020 than 2019 due to an increase in filing here by Brayton Purcell.

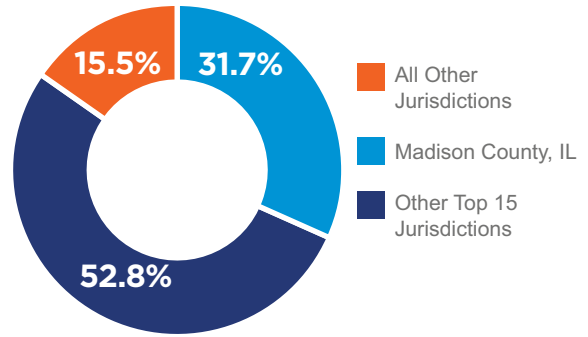
Madison County remains the top jurisdiction for this litigation, with nearly three times as many filings as the next highest jurisdiction. Figures Jurisdictions – 2 and Jurisdictions – 3 show the concentration of filings within Madison County, the other 14 top jurisdictions, and all other jurisdictions for 2019 and 2020.

2019 JURISDICTIONAL CONCENTRATION



Jurisdictions – 2

2020 JURISDICTIONAL CONCENTRATION



Jurisdictions – 3

The concentration of all filings within Madison County has increased from 28% in 2019 to 32% in 2020 while the percentage in the other top locations has stayed almost constant. At the same time, the percentage of total lawsuits filed in other jurisdictions outside of the top 15 has decreased from 20% in 2019 to 16% in 2020.

PLAINTIFF FIRM TRENDS

For all analyses, this report used the national plaintiff firm listed on the complaint, where available. If a national firm was not provided on the complaint, the local plaintiff firm was used. The top 15 plaintiff firms for 2020 asbestos filings are shown in Figure Firms – 1 along with 2018 and 2019 filing counts, ranks for those firms, and the percentage change in filings between 2019 and 2020 for each.

TOP 15 PLAINTIFF FIRMS BASED ON 2020 FILINGS

Plaintiff Firm	2018 Filings	2018 Rank	2019 Filings	2019 Rank	2020 Filings	2020 Rank	% Change 2019-2020
The Gori Law Firm	573	1	644	1	594	1	-7.8%
Simmons Hanly Conroy, LLC	411	3	510	2	521	2	2.2%
Weitz & Luxenberg, PC	434	2	424	3	395	3	-6.8%
Napoli Shkolnik, PLLC	45	15	37	19	211	4	470.3%
Maune Raichle Hartley French & Mudd, LLC	271	5	275	4	206	5	-25.1%
SWMW Law, LLC	170	7	228	5	182	6	-20.2%
Cooney & Conway	223	6	155	8	123	7	-20.6%
Goldberg, Persky & White, PC	144	8	172	6	76	8	-55.8%
Brayton Purcell	69	10	55	10	70	9	27.3%
Shrader & Associates, LLP	52	11	55	10	69	10	25.5%
Belluck & Fox, LLP	90	9	58	9	68	11	17.2%
Meiowitz & Wasserberg, LLP	39	18	44	16	53	12	20.5%
Karst & von Oiste, LLP	33	24	55	10	42	13	-23.6%
Law Offices of Peter G. Angelos, PC	353	4	162	7	42	13	-74.1%
Flint Law Firm, LLC	50	12	22	31	41	15	86.4%
Mazur & Kittel, PLLC	45	15	52	14	41	15	-21.2%
<b>Total (Top 15)</b>	<b>3,002</b>		<b>2,948</b>		<b>2,734</b>		<b>-7.3%</b>
<b>Total (All)</b>	<b>4,138</b>		<b>4,137</b>		<b>3,685</b>		<b>-10.9%</b>

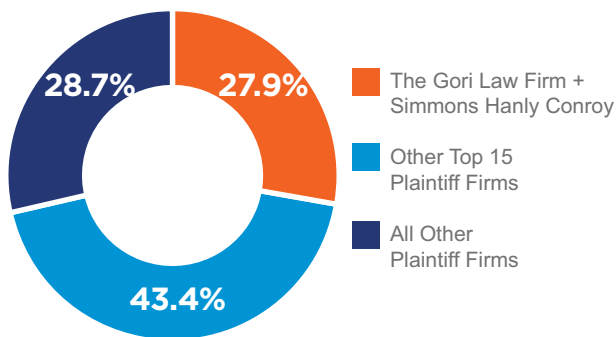
Firms – 1

As with the top 15 jurisdictions, the decrease in filings between 2019 and 2020 among the top 15 plaintiff firms (7%) was less than the 11% overall decrease in filings. The largest percentage decrease between 2019 and 2020 was the Law Offices of Peter G. Angelos, which filed 74% fewer claims overall, mostly in Baltimore City, Md. Another firm with a significant decrease in filings was Goldberg, Persky & White, which filed 56% fewer lawsuits in 2020. This firm filed 77% fewer cases with percentage decreases ranging from 77% to 90% in Wayne and Alpena, Mich., and Cambria, Pa. Additionally, two firms, Nass Cancelliere and the Brookman, Rosenberg, Brown & Sandler firm, decreased filings enough for these firms to drop out of the top 15 for 2020. Both decreased their filings in Philadelphia, Pa., in 2020 by 25% and 26%, respectively.

Seven of the top 15 plaintiff firms increased the number of lawsuits filed in 2020 versus 2019. The largest increase was Napoli Shkolnik, which went from filing 37 lawsuits in 2019 to filing 211 in 2020 – a percentage increase of more than 470%. This firm filed mostly lung cancer cases in Madison County, Ill., and New Castle, Del. Another significant percentage increase was with the Flint Law Firm, which filed 86% more lawsuits. This firm went from 22 filings (17 mesothelioma, five lung cancer) and a rank of 31 based on the number of filings in 2019, to 41 filings (18 mesothelioma, 23 lung cancer) in 2020. In 2020, Flint Law tripled its filings in St. Louis, Mo., and doubled them in St. Clair, Ill.

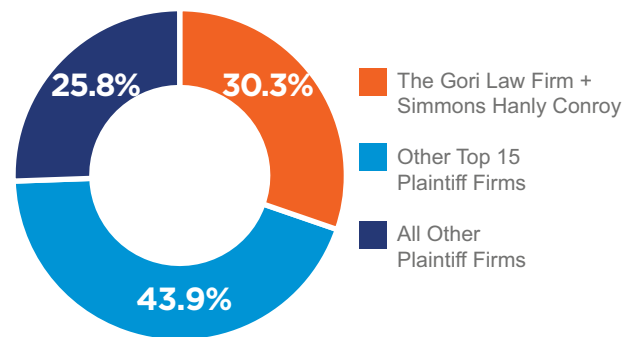
The concentration of filings by the top 15 plaintiff firms has increased from 71% in 2019 to 74% in 2020. Figures Firms – 2 and Firms – 3 show the percentage breakdown of The Gori Firm and Simmons Hanly Conroy (consistently the top two filing firms), the other top firms in the top 15, and the other firms filing nationally outside of the top 15.

2019 PLANTIFF FIRM CONCENTRATION



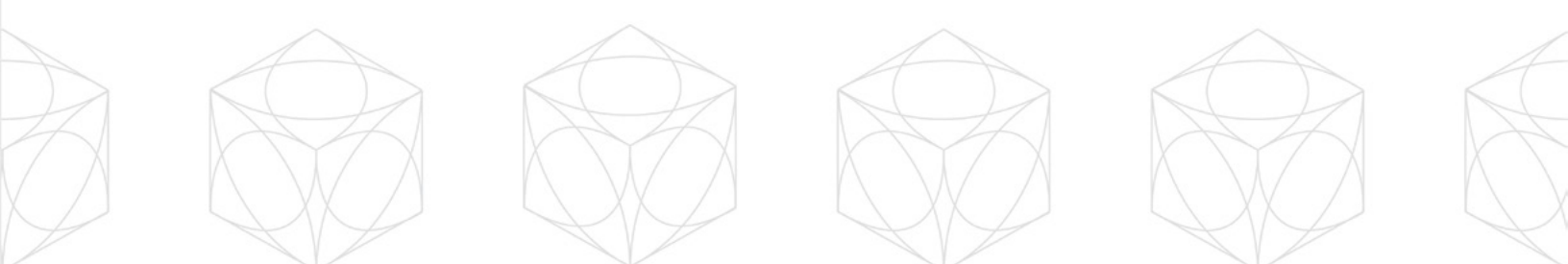
Firms – 2

2020 PLANTIFF FIRM CONCENTRATION



Firms – 3

The percentage of all lawsuits filed by just the top two firms, Gori and Simmons, increased from 28% in 2019 to 30% in 2020. The percentage of lawsuits filed by the other firms not in the top 15 has decreased from 29% to 26% in the same period, and the percentage made up of all other top firms has stayed roughly the same.





## MESOTHELIOMA FOCUS

Mesothelioma claims continued to be the main driver of asbestos litigation and, as with the past several years, made up the bulk of all asbestos-related personal injury lawsuits again in 2020. As detailed in the Filings Overview, there were 1,827 mesothelioma claims in 2020, a decrease of 14% compared to 2019. The proportion of total filings made up by mesothelioma claims also decreased slightly from 52% in 2019 to 50% in 2020, as lung cancer filings continue to increase.

Figure Mesothelioma – 1 shows the top 10 jurisdictions based on 2020 mesothelioma filing counts. Also shown are the 2018 and 2019 filing counts for those locations and the percentage change in filings between 2019 and 2020 for each.

### MESOTHELIOMA TOP 10 JURISDICTIONS BASED ON 2020 FILINGS

Top 10 Jurisdictions 2020	2018 Filings	2019 Filings	2020 Filings	% Change 2019-2020
Madison County, IL	993	1,006	879	-12.6%
New York, NY	76	127	130	2.4%
Philadelphia, PA	102	108	89	-17.6%
Los Angeles, CA	84	109	74	-32.1%
Cook County, IL	106	86	64	-25.6%
Middlesex, NJ	75	44	54	22.7%
Alameda, CA	43	46	44	-4.3%
St. Louis, MO	52	87	39	-55.2%
New Castle, DE	49	37	34	-8.1%
Allegheny, PA	27	35	30	-14.3%
Orleans, LA	32	33	30	-9.1%
<b>Total (Top 10)</b>	<b>1,639</b>	<b>1,718</b>	<b>1,467</b>	<b>-14.6%</b>
<b>Total (All)</b>	<b>2,086</b>	<b>2,133</b>	<b>1,827</b>	<b>-14.3%</b>

*Mesothelioma – 1*

Over 80% of 2020 mesothelioma filings were in these top 10 jurisdictions, with 48% being filed just in Madison County, Ill. Within the top 10 mesothelioma jurisdictions, only Middlesex, N.J., and New York, N.Y., saw increases in filings in 2020. New York filings increased by 2% with slight increases in filings by both Weitz & Luxenberg and Belluck & Fox. Middlesex increased by 23% with more filings in 2020 by Weitz & Luxenberg and Simon Greenstone Panatier.

The majority of the top jurisdictions for mesothelioma claims saw fewer filings in 2020 than in 2019. The largest percentage decrease was in St. Louis, Mo., where 2020 filings were 55% lower than in 2019, due mostly to a decrease in filings by SWMW, The Gori Firm, and Simmons Hanly Conroy – all of the top firms filing in that jurisdiction. Los Angeles, Ca., had the next largest percentage decrease, as filings there fell 32%, with Simmons Hanly Conroy decreasing filings there by 38% and Weitz & Luxenberg by 56%. Overall, the decrease in filings in the top 10 mesothelioma jurisdictions was in line (only 0.3% greater) with the decrease in total mesothelioma filings (all jurisdictions).

Figure Mesothelioma – 2 shows the top 10 plaintiff firms filing mesothelioma claims along with the filing counts for 2018 to 2020 and the percentage change between 2019 and 2020 for each.

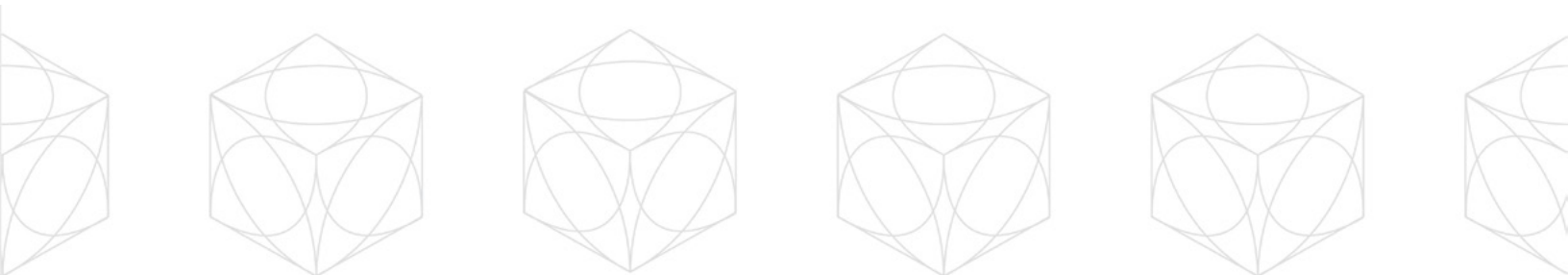
#### MESOTHELIOMA TOP 10 PLAINTIFF FIRMS BASED ON 2020 FILINGS

Plaintiff Firm	2018 Filings	2019 Filings	2020 Filings	% Change 2019-2020
Simmons Hanly Conroy, LLC	375	439	373	-15.0%
The Gori Law Firm	290	250	224	-10.4%
Maune Raichle Hartley French & Mudd, LLC	270	275	205	-25.5%
Weitz & Luxenberg, PC	143	179	163	-8.9%
Cooney & Conway	165	115	94	-18.3%
Shrader & Associates, LLP	51	53	66	24.5%
SWMW Law, LLC	58	99	61	-38.4%
Belluck & Fox, LLP	62	36	36	0.0%
Early Lucarelli Sweeney & Meisenkothen	29	39	28	-28.2%
Simon Greenstone Panatier, PC	25	28	27	-3.6%
<b>Total (Top 10)</b>	<b>1,468</b>	<b>1,513</b>	<b>1,277</b>	<b>-15.6%</b>
<b>Grand Total of All Mesothelioma Claims</b>	<b>2,086</b>	<b>2,133</b>	<b>1,827</b>	<b>-14.3%</b>

*Mesothelioma – 2*

In 2020, 70% of mesothelioma claims were filed by the top 10 firms, with Simmons Hanly Conroy filing 20% of all mesothelioma lawsuits. The top 10 firms filing mesothelioma claims in 2020 are the same as the top 10 in 2019, with slight variations in rank. Of these top 10 firms, only Shrader & Associates had an increase in mesothelioma filings between 2019 and 2020. The 25% increase in mesothelioma filings by this firm was concentrated in Madison County, where the firm increased its filings by 27%.

All of the other top firms filing mesothelioma cases in 2020 filed fewer cases in 2020 than in 2019. The largest percentage decrease was the 38% drop in filings by SWMW. This firm decreased filings in St. Louis by 59% and in Madison County by 33%. Other large decreases were with the Early, Lucarelli Sweeney & Meisenkothen firm filing in Fairfield, Conn., and Maune Raichle Hartley French & Mudd, which decreased its filings in Madison County; Alameda, Cal.; and Philadelphia, Pa. As a whole, the number of filings by the top 10 plaintiff firms for mesothelioma in 2020 decreased by a larger percentage than total mesothelioma filings compared to the prior year – a 16% decrease by the top firms compared to a 14% decrease overall. This larger percentage decrease was somewhat offset by increases in mesothelioma filings by Serling & Abramson and Kazan, McClain, Satterley & Greenwood. Serling & Abramson increased mesothelioma filings by 220% (five to 16) in Wayne, Mich., while the Kazan firm increased its filings by 133% (six to 14) in Alameda and Los Angeles. There were also 23 firms that together filed a total of 35 mesothelioma lawsuits in 2020 but did not file any in 2019.



## LUNG CANCER FOCUS

Asbestos-related injury claims alleging lung cancer as the disease have been on the rise over recent years. Continuing that trend, lung cancer was the only disease in which filings increased in 2020, with a 9% increase compared to 2019. In 2018 and 2019, lung cancer made up about 27% and 33% of total filings respectively. In 2020, lung cancer cases comprised 40% of the total asbestos filing population.

The top 10 jurisdictions for lung cancer claims, along with the filing counts for 2018 to 2020 and the percentage change between 2019 and 2020 for each, are shown in Figure Lung Cancer – 1. The top 10 jurisdictions make up 86% of all lung cancer filings. This is an increase in concentration from prior years, where roughly 80% of filings were in the top 10 jurisdictions. While lung cancer filings are more concentrated within the top 10 jurisdictions than mesothelioma filings, they are less concentrated in the top jurisdiction: St. Clair County, Ill., which continued to make up 27% of all lung cancer filings. Madison County, Ill., increased its percentage share of total lung cancer filings from 10% in 2019 to 19% in 2020.

### LUNG CANCER TOP 10 JURISDICTIONS BASED ON 2020 FILINGS

Top 10 Jurisdictions 2020	2018 Filings	2019 Filings	2020 Filings	% Change 2019-2020
St. Clair County, IL	254	368	408	10.9%
Madison County, IL	96	141	275	95.0%
St. Louis, MO	125	138	147	6.5%
New York, NY	40	111	144	29.7%
New Castle, DE	45	32	92	187.5%
Philadelphia, PA	74	93	81	-12.9%
Kanawha, WV	61	60	41	-31.7%
Wayne County, MI	43	57	40	-29.8%
Cook County, IL	39	28	24	-14.3%
Baltimore City, MD	78	59	22	-62.7%
<b>Total (Top 10)</b>	<b>855</b>	<b>1,087</b>	<b>1,274</b>	<b>17.2%</b>
<b>Grand Total of All Lung Cancer Claims</b>	<b>1,105</b>	<b>1,365</b>	<b>1,484</b>	<b>8.7%</b>

*Lung Cancer – 1*

Unlike the situation with mesothelioma, where the majority of jurisdictions saw decreased filings, half of the top 10 lung cancer jurisdictions experienced an increase in filings between 2019 and 2020 – some of which were quite significant. The largest percentage increase occurred in New Castle, Del., where filings increased 188% from 32 in 2019 to 92 in 2020. This increase was due to the Napoli Shkolnik firm, which increased its lung cancer filings well over 600% from nine to 69 there. The largest nominal increase between 2019 and 2020 occurred in Madison County, where lung cancer filings increased by 134 filings or 95%. This increase was due to substantial increases by both Simmons Hanly Conroy, which more than doubled its lung cancer filings there, and by Napoli Shkolnik, which filed 10 times as many lung cancer cases in Madison County in 2020 than in 2019. Increases like these led to 2020 filings in the top 10 jurisdictions increasing by 17% compared to the 9% increase in lung cancer cases nationwide.

When looking at top jurisdictions with the highest percentage decreases, Baltimore City, Md., tops the list with a 63% decrease compared to 2019. Again, this is mostly due to an overall decrease in filings by the Law Offices of Peter G. Angelos. Other jurisdictions, like Kanawha, W.V., and Wayne, Mich., saw decreases of 32% and 30%, respectively. For Kanawha, both Goldberg, Persky & White and Savinis, Kane & Gallucci decreased their filings there by half. For Wayne, the largest decreases were by Serling & Abramson as well as Goldberg, Persky & White. Also notable is Allegheny, Pa., a former top 10 jurisdiction for lung cancer cases, which had 49% fewer filings in 2020 than 2019 — again due to a decrease in lung cancer filing activity by the Savinis firm.

Figure Lung Cancer – 2 lists the top 10 plaintiff firms filing lung cancer cases based on 2020 filings, as well as the filing counts for 2018 through 2020 and percentage change in filings between 2019 and 2020. Like with the jurisdictional concentration, the concentration of filings within the top 10 firms has increased from roughly 60% in prior years to 77% in 2020. The most, 24%, were filed by The Gori Firm, while Napoli Shkolnik increased its percentage share from just 2% of all lung cancer cases in 2019 to 14% in 2020.

#### LUNG CANCER TOP 10 PLAINTIFF FIRMS BASED ON 2020 FILINGS

Plaintiff Firm	2018 Filings	2019 Filings	2020 Filings	% Change 2019-2020
The Gori Law Firm	279	390	357	-8.5%
Napoli Shkolnik, PLLC	40	32	205	540.6%
Weitz & Luxenberg, PC	71	142	162	14.1%
Simmons Hanly Conroy, LLC	33	60	134	123.3%
SWMW Law, LLC	111	128	119	-7.0%
Belluck & Fox, LLP	25	22	31	40.9%
Ferrell Law Group	1	19	30	57.9%
Meiowitz & Wasserberg, LLP	0	9	30	233.3%
Brayton Purcell	14	18	27	50.0%
Flint Law Firm, LLC	26	5	23	360.0%
Mazur & Kittel, PLLC	22	33	23	-30.3%
<b>Total (Top 10)</b>	<b>622</b>	<b>858</b>	<b>1,141</b>	<b>33.0%</b>
<b>Grand Total of All Lung Cancer Claims</b>	<b>1,105</b>	<b>1,365</b>	<b>1,484</b>	<b>8.7%</b>

*Lung Cancer – 2*

Here, again, there was far more of a percentage increase in lung cancer filings by the top 10 firms: 33% compared to a 9% national increase. The majority of the top firms filed more lung cancer lawsuits in 2020 than in 2019. The largest increase, both in terms of change in nominal filing counts and percentage change, was by Napoli Shkolnik, which increased filings from approximately 30 in 2019 to over 200 in 2020, and which corresponds to the increases seen in Madison County and New Castle. A number of other firms more than doubled their lung cancer filings including Simmons Hanly Conroy; Meiowitz & Wasserberg; and the Flint Law Firm.

Only three of the top firms had decreases in lung cancer filings between 2019 and 2020. Two of these decreases — The Gori Firm (9% decrease) and SWMW (7% decrease) — were relatively small percentage changes. Though the percentage change of 30% fewer cases by Mazur & Kittel is larger, the change was less significant overall in terms of nominal filings. More notable in terms of decrease was the 70% decrease in lung cancer filings by the Law Offices of Peter G. Angelos, mostly in Baltimore City, Md. In 2019, this firm was fourth in lung cancer filings (60 filings) in the country. In 2020, Angelos dropped to 16th (18 filings) in the country.

## A LOOK AT DEFENDANTS

In 2020, more than 11,000 individual defendant company entities were named on asbestos complaints. For purposes of this analysis, if Company A is named as successor in interest to Company B and Company C, each company would be counted individually, for a total of three distinct entities. Over the past few years, the average number of defendants named per complaint has been consistently around 65. In 2020, the average was 67 unique entities named per complaint. The highest number of defendants named on one complaint in 2020 was 375 unique defendants on a complaint filed in San Francisco, Calif.

Figure Defendants – 1 shows the average number of defendants named per complaint by disease type for 2018 to 2020. Lung cancer, other cancer, and non-malignant complaints named more unique defendants, on average, than did mesothelioma complaints. Overall, the number of defendants named on mesothelioma cases has been increasing, from 60 in 2018 to 64 in 2020. The number of defendants on lung cancer cases has leveled out from 72 in 2018, to 75 in 2019, and back to 72 in 2020.

### AVERAGE NUMBER OF DEFENDANTS BY FILE YEAR

Disease	2018 Filings	2019 Filings	2020 Filings	2018 - 2020 Filings
Mesothelioma	60	61	64	62
Lung Cancer	72	75	72	73
Other Cancer	66	70	71	69
Non-Malignant	79	79	70	78
Unknown	39	40	51	41
All Filings	64	67	67	66

*Defendants – 1*

The number of defendants named tends to vary by jurisdiction. For example, when looking at the top 15 jurisdictions based on 2020 filings, the average ranged from 24 to 192 defendants named. Figure Defendants – 2 lists the top 15 jurisdictions based on 2020 filing counts in order of ascending average number of defendants named on complaints filed in each location. Many of the jurisdictions with the highest number of average defendants named per complaint — Wayne, Mich., Kanawha, W.V., and St. Clair County, Ill. — are also top locations for lung cancer filings.

Overall, the defendant company named the most in 2020 was named on 79% of all complaints, with 76% of plaintiff firms naming this defendant on complaints. Eight defendant companies were named on more than 50% of 2020 complaints, with nearly every plaintiff firm naming at least one of these eight companies on their complaints. Similar to 2019 defendant company trends, while many unique defendant companies are named on asbestos complaints in a given year, only a small handful of defendants are named consistently on the majority of complaints.

### TOP 15 JURISDICTIONS BASED ON 2020 FILINGS

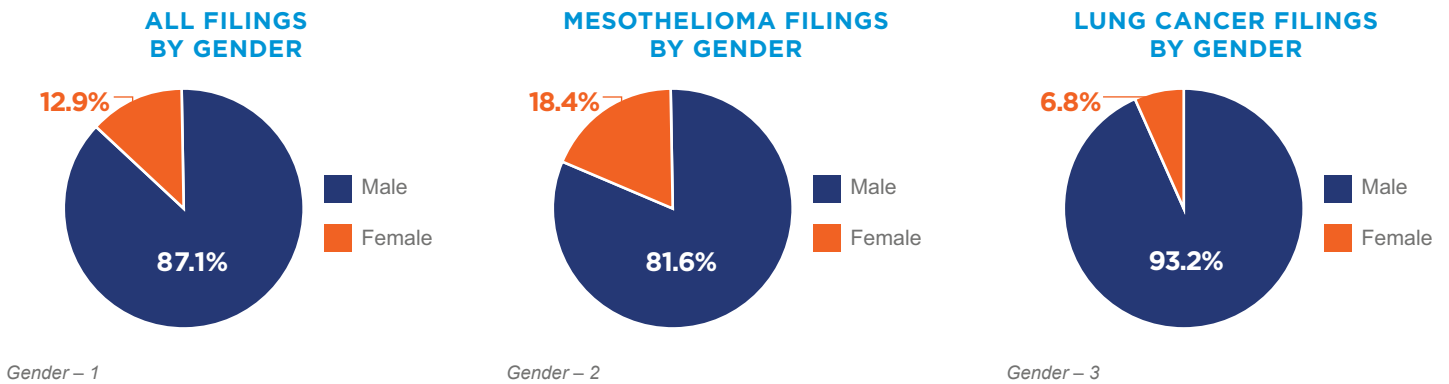
Top 15 Jurisdictions 2020	Average Number of Defendants
New Castle, DE	24
Middlesex, NJ	31
Baltimore City, MD	34
Philadelphia, PA	43
New York, NY	47
Alameda, CA	58
Madison County, IL	58
Cook County, IL	61
Los Angeles, CA	71
St. Louis, MO	72
San Francisco, CA	76
St. Clair County, IL	113
Wayne County, MI	116
Allegheny, PA	159
Kanawha, WV	192

*Defendants – 2*

While the average number of defendants named on complaints has not changed much, there have been several notable defendants that filed for bankruptcy to exit the tort system over the past few years. In 2020 alone, Aldrich Pump and Murray Boiler (Ingersoll Rand/Trane), DBMP LLC (Certainteed), and Paddock (Owens Illinois) all filed for bankruptcy. Prior to filing, these defendants were named on 66%, 63%, and 21% of national asbestos filings, respectively. These came on the heels of the Bestwall (Georgia Pacific) bankruptcy filing in 2017. Up until the point of filing, Georgia Pacific was named on 70% of all asbestos complaints.

## A LOOK AT PLAINTIFFS - GENDER AND EXPOSURE TYPES

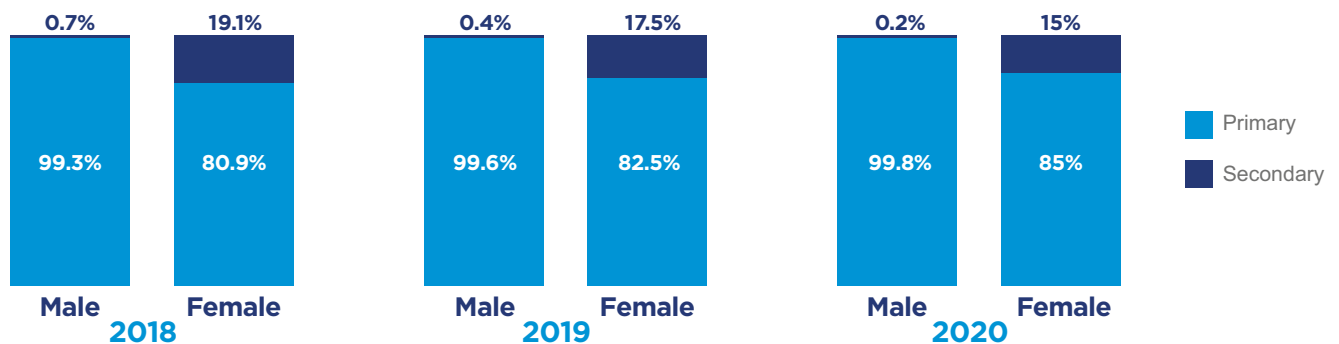
Asbestos litigation continues to be comprised of mostly male plaintiffs. Over the three-year period of 2018 to 2020, males made up 86% of all asbestos filings. In 2020, the proportion of filings with male plaintiffs was slightly higher, at 87% male to 13% female. Overall, during this period, female filings decreased 22% while male filings decreased 11%. Figures Gender – 1, Gender – 2, and Gender – 3 show the 2020 male-to-female ratio for all filings, mesothelioma filings, and lung cancer filings.



There is a higher percentage of females filing mesothelioma claims than all other diseases, with 18% of all mesothelioma filings in 2020 having female plaintiffs. This percentage has slowly been decreasing since 2018, where 20% of all mesothelioma filings were by female plaintiffs. In contrast, the percentage of cases filed by male plaintiffs is higher for lung cancer cases than for other disease types. In 2020, 93% of lung cancer lawsuits were made by male plaintiffs, with just 7% having female plaintiffs. Again, from 2018 to 2020 the percentage of lung cancer lawsuits filed by male plaintiffs has slowly increased from 91% in 2018 to 93% in 2020.

While the number of female plaintiffs is decreasing, the percentage of female plaintiffs with primary exposures increased from 81% in 2018, to 82% in 2019, and to 85% in 2020. The percentage with secondary exposures has decreased accordingly. Figure Exposures – 1 shows the breakdown between primary and secondary exposures for males and females over the past three years.

### PRIMARY AND SECONDARY EXPOSURE FILINGS BY GENDER 2018-2020



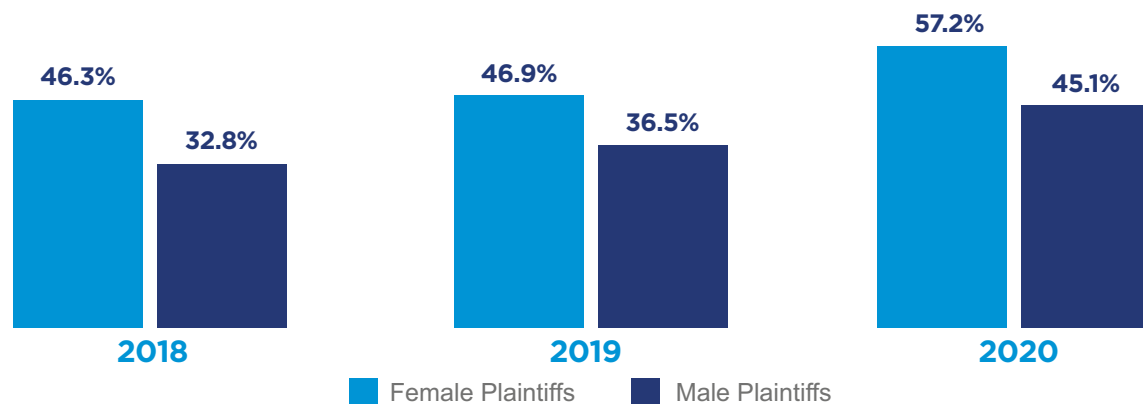
Exposures – 1



For this analysis, primary exposures are a plaintiff's direct exposure to asbestos-containing products. Secondary exposures are exposures to asbestos through another person's direct exposure – for instance, a wife who is exposed to asbestos because she laundered the clothing of her husband, who worked with asbestos-containing products. The secondary exposure category includes plaintiffs that solely alleged secondary exposure. Cases where a plaintiff alleged only primary exposures, or both primary and secondary exposures, were counted in the primary exposure category.

Another category of asbestos exposure is non-occupational exposure to asbestos. These are cases where a plaintiff is exposed to asbestos, either primary or secondary, but the exposure is not through their employment. An example would be someone whose primary occupation is not as a mechanic but who changed the brakes on his car at home. Cases alleging exposure to asbestos through talcum powder used in the home would also be considered in this category. Figure Exposures – 2 shows the percentage of filings that include allegations of non-occupational exposures by gender.

#### PERCENTAGE OF FILINGS BY GENDER WITH NON-OCCUPATIONAL EXPOSURE ALLEGED



Exposures – 2

The percentage of both male and female plaintiffs alleging non-occupational exposures to asbestos has increased over the past few years. For males, the percentage with non-occupational exposures has gone from 33% in 2018 to 45% in 2020. For females, the percentage has gone from 46% in 2018 to 57% in 2020.

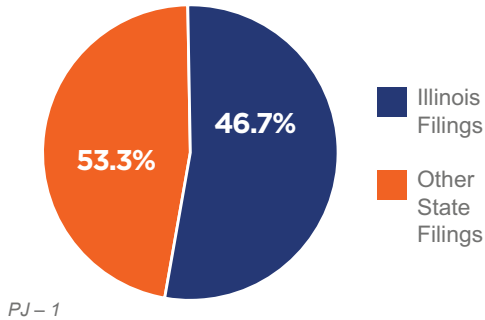
## A LOOK AT PLAINTIFFS – PERSONAL JURISDICTION/FORUM SHOPPING

As seen in earlier sections of this report, there is a high concentration of asbestos filings within just a few jurisdictions. There are many reasons why a plaintiff may choose to file in one jurisdiction over another. There are also various pieces of personal jurisdiction-related legislation that govern where a lawsuit may be filed. For a court to have personal jurisdiction means that it has the authority to rule or make decisions regarding the party being sued in the case. Examples of variables that would give a court personal jurisdiction could be that a plaintiff resides in the state where the lawsuit is filed and/or the lawsuit is filed where the defendant's business is located. One way of looking at the efficacy of legislation around this issue is to look at the state where the plaintiff resides and compare that to the state where the lawsuit is filed.

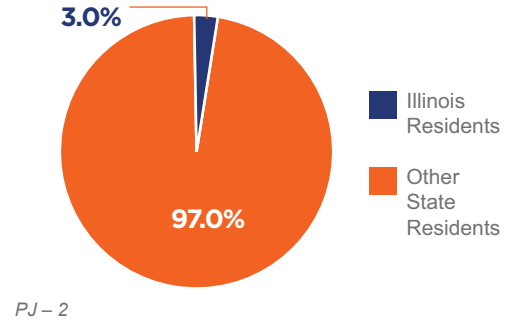
In 2020, 66% of lawsuits listed the plaintiff's address, which is consistent with previous years and these were the lawsuits considered in this analysis. Of complaints where address information was available, 64% of plaintiffs lived in a different state from where they filed their lawsuit. This represents an increase in out-of-state filings compared to the past few years. In 2018 and 2019, the percentage of plaintiffs filing in a state other than their state of residence was 52% and 54%, respectively.

As discussed previously, Illinois — and Madison County in particular — continues to be the epicenter for asbestos filings. Figures PJ – 1 and PJ – 2 show the disparity between the percentage of asbestos lawsuits filed in the state (all jurisdictions) compared to the percentage of plaintiffs that actually reside there. Illinois made up 47% of filings in 2020. However, when considering the complaints containing information on plaintiff address, only 3% of all plaintiffs in 2020 listed an address in Illinois.

**FILINGS BY STATE  
IL VS. OTHER**



**PLAINTIFF RESIDENCY BY STATE  
IL VS. OTHER**



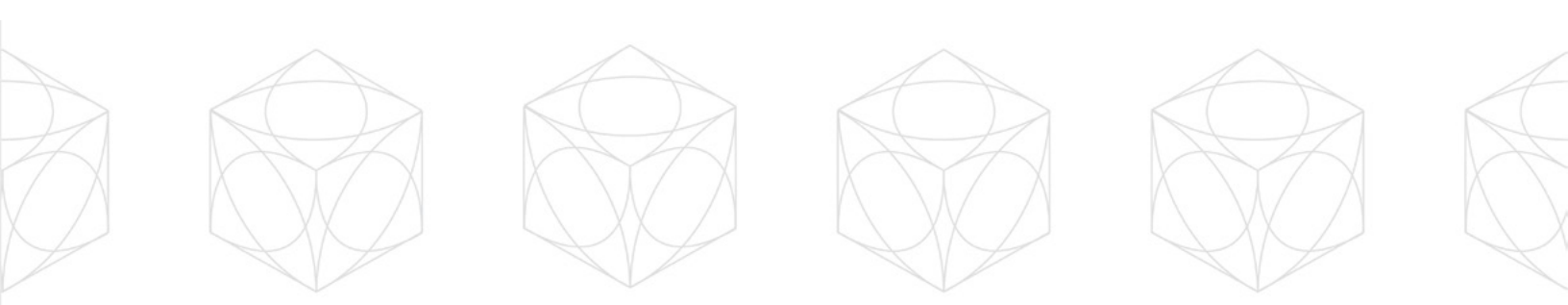
Given the high percentage of asbestos lawsuits filed in Madison County, it is not surprising that it is also the main forum in which out-of-state plaintiffs file. Figure PJ – 3 details the most popular jurisdictions where non-residents filed in 2020.

Out of the plaintiffs who filed a lawsuit out of their state of residency, the majority (57%) filed their lawsuit in Madison County. Another 24% filed in the other top jurisdictions for non-resident plaintiffs – New Castle, De., Philadelphia, Pa., St. Clair County, Ill., or New York, N.Y., and 19% filed in other jurisdictions.

**LAWSUIT JURISDICTIONS FOR 2020  
PLAINTIFFS FILING OUT-OF-STATE**

Lawsuit Jurisdiction	% of All Out-of-State Plaintiffs Filing Here
Madison County, IL	57.4%
New Castle, DE	7.9%
Philadelphia, PA	6.8%
St. Clair County, IL	6.1%
New York, NY	2.9%
All Other Jurisdictions	18.9%
<b>Grand Total</b>	<b>100%</b>

PJ – 3





## A LOOK AT PLAINTIFFS – AGE ANALYSIS

Age is an important plaintiff attribute both because it can affect the value of a case and because it is an indicator of how far into the future asbestos litigation may go. For this analysis, only complaints that listed a date of birth were considered. While the minority of complaints, 30% in 2020, listed the plaintiff's date of birth, this percentage has been fairly consistent over the past few years, with 31% of 2018 to 2020 complaints containing date of birth. The percentage with date of birth is also consistent by disease type over the past three years and falls between 30% and 35% for all major disease types. Therefore, the fact that only about a third of complaints have a date of birth should not be skewed in any particular filing year or for any specific disease.

Over the past three years, the average age of asbestos plaintiffs has remained constant at 74 years old. In 2020, the average age of mesothelioma plaintiffs was 75 years of age, and for lung cancer plaintiffs it was 73 years old. Figure Age – 1 shows the average and median plaintiff age by disease for 2018 to 2020.

### AVERAGE AND MEDIAN PLAINTIFF AGE BY DISEASE AND FILE YEAR

Year	2018		2019		2020		2018-2020	
Disease	Average	Median	Average	Median	Average	Median	Average	Median
Mesothelioma	74	76	75	76	75	76	74	76
Lung Cancer	73	74	73	73	73	73	73	73
Other Cancer	72	75	74	70	74	77	73	75
Non-Malignant	73	72	74	74	76	77	74	74
Unknown	73	73	74	72	74	73	73	73
<b>All Diseases</b>	<b>74</b>	<b>75</b>	<b>74</b>	<b>74</b>	<b>74</b>	<b>75</b>	<b>74</b>	<b>75</b>

Age – 1

In 2020, the youngest and oldest plaintiffs ranged from 26 years old to 99 years of age. This is the youngest plaintiff filing in recent years, as the 2018 and 2019 youngest ages were 33 and 38, respectively. The youngest plaintiffs continued to be mesothelioma plaintiffs. The youngest for other disease types for 2020 filings ranged from 49 years old (lung cancer) to 60 years old (non-malignant and other cancer) and 64 years old for complaints with unknown/unstated disease type. There continued to be less variation in the oldest ages, with a span from 83 years old (unknown/unstated disease) to 99 years of age (mesothelioma). Figure Age – 2 details the maximum and minimum age by disease type for 2018 to 2020 filings.

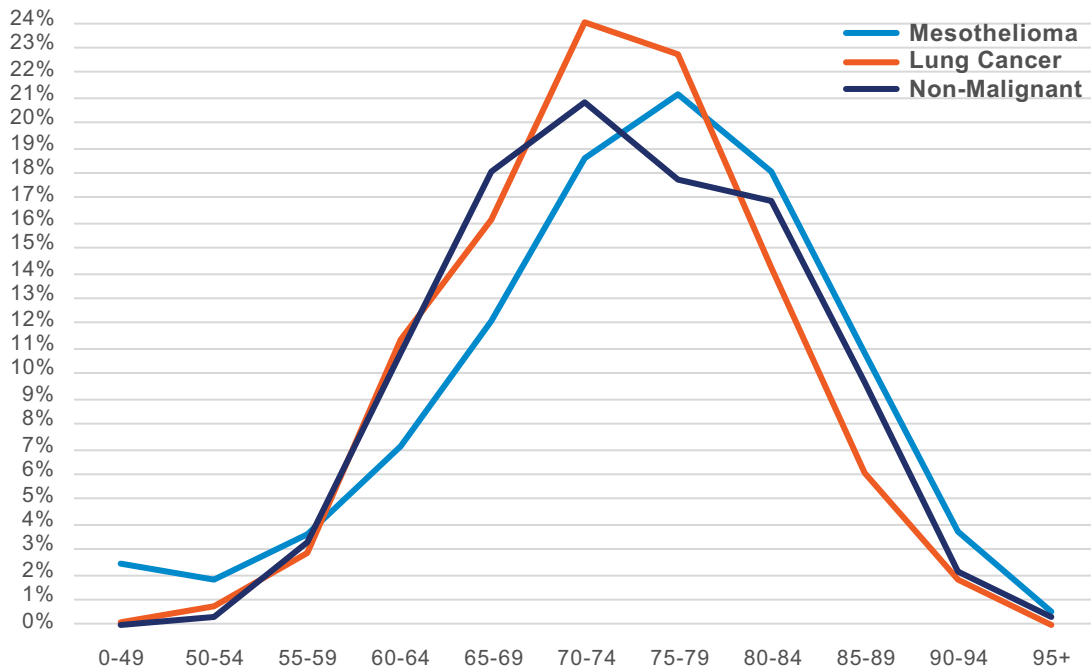
### MAXIMUM AND MINIMUM PLAINTIFF AGE BY DISEASE AND FILE YEAR

Disease	Mesothelioma		Lung Cancer		Other Cancer		Non-Malignant		Unknown		All Diseases	
Year	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min
2018 Filings	96	33	91	48	95	59	93	55	89	53	96	33
2019 Filings	98	38	93	52	85	47	100	52	88	58	100	38
2020 Filings	99	26	94	49	95	60	93	60	83	64	99	26
<b>2018-2020 Filings</b>	<b>99</b>	<b>26</b>	<b>94</b>	<b>48</b>	<b>95</b>	<b>47</b>	<b>100</b>	<b>52</b>	<b>89</b>	<b>53</b>	<b>100</b>	<b>26</b>

Age – 2

The distribution of plaintiffs by average age group varies by disease but has remained fairly consistent over the past few years. Figure Age – 3 plots the percentage of 2018 to 2020 mesothelioma, lung cancer, and non-malignant claimants by age group.

**PERCENTAGE OF 2018 TO 2020 MESOTHELIOMA, LUNG CANCER, AND NON-MALIGNANT CLAIMANTS BY AGE GROUP**



Age – 3

The majority of 2018 – 2019 lung cancer and non-malignant plaintiffs were between 70 and 74 years of age, while the largest percentage of mesothelioma plaintiffs filing in the same period were between 75 and 79 years old. For lung cancer, 24% of plaintiffs fell in this peak age range, while 21% of mesothelioma and non-malignant plaintiffs were in the peak ranges for each disease. For mesothelioma, while the peak range was older than that for the other disease types, a higher percentage of plaintiffs fell in age ranges younger than the peak. In other words, 46% of mesothelioma plaintiffs were younger than the peak age range, compared to 31% of lung cancer plaintiffs and 33% of non-malignant plaintiffs. Figure Age – 4 shows the percentage of plaintiffs within, below, and above the peak age group by disease for the three main disease categories.

**2018 - 2019 AVERAGE AGE DISTRIBUTION BY DISEASE**

Disease	Peak Age Range	% in Peak Range	% Younger than Peak Range	% Older than Peak Range
Mesothelioma	75 - 79	21.2%	45.7%	33.1%
Lung Cancer	70 - 74	24.0%	31.2%	44.8%
Non-Malignant	70 - 74	20.8%	32.5%	46.7%

Age – 4

## MESOTHELIOMA INCIDENCE AND PROPENSITY TO SUE

The prevalence of mesothelioma has the greatest impact on asbestos litigation. The Surveillance, Epidemiology, and End Results (SEER) Program of the National Cancer Institute (NCI) reports on the incidence rates of cancers, including mesothelioma, in the United States. The Center for Disease Control (CDC) is also a source regarding the number of mesothelioma diagnoses per year. Figure Propensity – 1 shows the SEER incidence rates per 100,000 people by gender, and Figure Propensity – 2 shows how those incidence rates have translated into actual diagnoses based on the CDC data on new cases. At the time of this report, data through 2017 was available.

### SEER MESOTHELIOMA INCIDENCE RATES

Diagnosis Year	Male Rate	Female Rate	Total Rate
2007	1.7703	0.4288	0.9829
2008	1.8090	0.3467	0.9592
2009	1.8272	0.3910	0.9851
2010	1.8292	0.4083	0.9982
2011	1.7373	0.3973	0.9730
2012	1.6771	0.4141	0.9492
2013	1.4992	0.3543	0.8318
2014	1.6100	0.4303	0.9303
2015	1.6978	0.3194	0.8969
2016	1.5441	0.3739	0.8705
2017	1.3529	0.4203	0.8240

Propensity – 1

### CDC MESOTHELIOMA DIAGNOSIS DATA

Diagnosis Year	Diagnoses	% Change in Diagnoses
2007	3,185	0.8%
2008	3,264	2.5%
2009	3,290	0.8%
2010	3,323	1.0%
2011	3,367	1.3%
2012	3,291	-2.3%
2013	3,308	0.5%
2014	3,326	0.5%
2015	3,283	-1.3%
2016	3,162	-3.7%
2017	3,109	-1.7%
Average	3,264	-0.3%
5 Year Average	3,238	-1.1%

Propensity – 2

Mesothelioma incidence rates (all) decreased 16% between 2007 and 2017. Incidence decreased by 24% for males in that same period and by just 2% for females. Looking at the CDC data on actual diagnoses, the average number of mesothelioma cases diagnosed between 2007 and 2017 was 3,264. The average percentage change between 2007 and 2017 was -0.3%. However, for the five-year period between 2013 and 2017, the average percentage change year-over-year was -1.1%, indicating the decrease has become more pronounced in more recent years.

KCIC then compared the CDC diagnosis data (CDC Diagnoses) with the number of mesothelioma diagnoses in KCIC’s complaint data2 (Observed Filings) to calculate the percentage of the diseased population that ultimately filed a lawsuit (Propensity to Sue) by diagnosis year for 2014 to 2017 as shown in Figure Propensity – 3.

**PROPENSITY TO SUE BY DIAGNOSIS YEAR**

All Genders			
Diagnosis Year	CDC Diagnoses	Observed Filings	Propensity to Sue
2014	3,326	2,188	65.8%
2015	3,283	2,201	67.0%
2016	3,162	2,158	68.2%
2017	3,109	2,190	70.4%

Propensity – 3

For this analysis, KCIC mesothelioma filing data was summarized by diagnosis year. Where diagnosis date was not provided in the complaint, an estimation was used based on the average lag between diagnosis date and filing for lawsuits with that data. Of the complaints considered, 13% did not state a diagnosis date and were estimated this way. While the CDC reported diagnoses (new cases) decreased almost 7% from 2014 to 2017, observed filings (by diagnosis year) remained almost constant with a 0.1% increase. Therefore, the proportion of the diseased population filing a lawsuit — also called the propensity to sue — increased from 65.8% for 2014 to 70.4% in 2017. In other words, while the number of people diagnosed with mesothelioma decreased, the percentage of those diagnosed who filed a lawsuit increased.

At the time of this report, CDC diagnosis data by gender was not available. To estimate a breakdown of the propensity to sue by gender, KCIC first multiplied the SEER incidence rate per 100,000 people shown in Figure Propensity-1 by the population data by year for males and females from the U.S. Census Bureau to calculate the number of people with the disease (Calculated SEER Incidence). Then KCIC applied the same Observed Filings by disease year compared to the Calculated SEER Incidence to determine the propensity to sue for males and females in 2014 – 2017 shown in Figure Propensity – 4.

**PROPENSITY TO SUE BY DIAGNOSIS YEAR – MALE VS. FEMALE**

Diagnosis Year	MALE			FEMALE		
	Calculated SEER Incidence	Observed Filings	Propensity to Sue	Calculated SEER Incidence	Observed Filings	Propensity to Sue
2014	2,488	1,760	70.7%	687	428	62.3%
2015	2,644	1,762	66.6%	514	439	85.5%
2016	2,421	1,736	71.7%	605	422	69.8%
2017	2,138	1,696	79.3%	685	494	72.1%

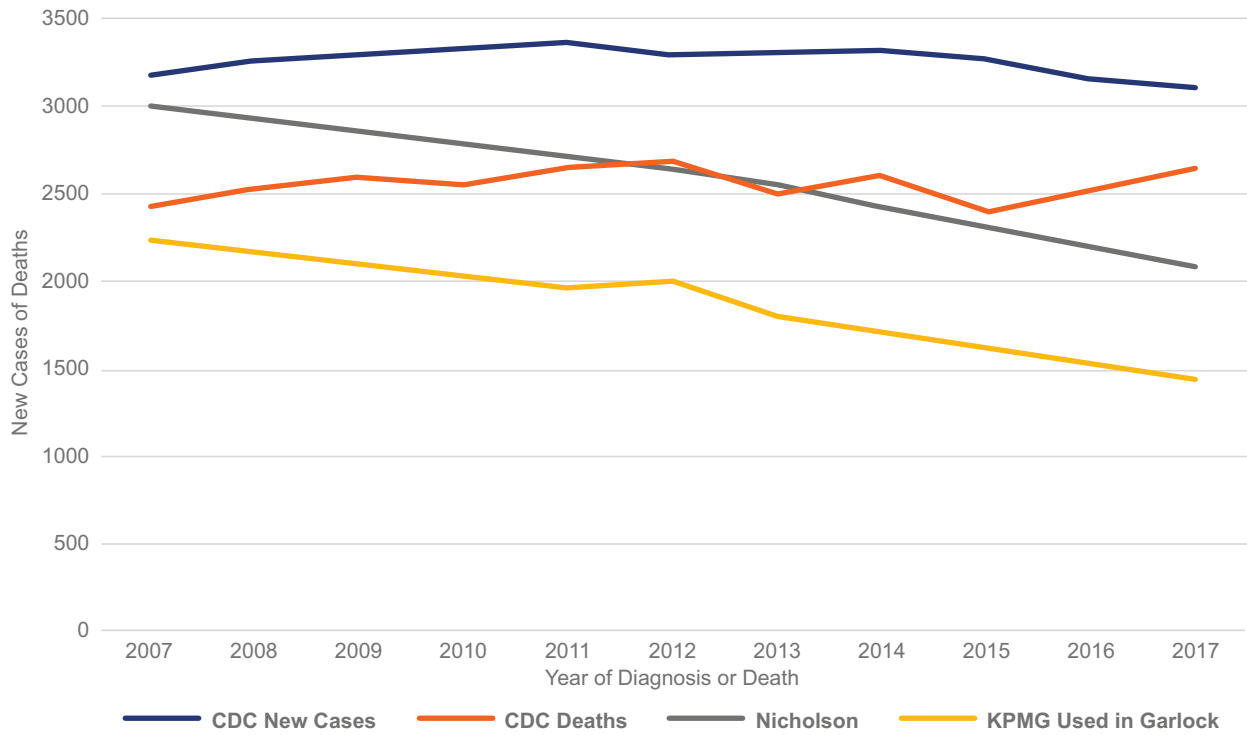
Propensity – 4

Male filings by diagnosis year decreased 4% between 2014 and 2017, while female filings increased by 15%. Male propensity to sue increased from 71% in 2014 to 79% in 2017. At the same time, female propensity to sue increased from 62% in 2014 to 72% in 2017. The increasing propensity to sue may be due to many factors, not least of which is plaintiff firm advertising regarding the connection between mesothelioma and asbestos.

<sup>2</sup>For this analysis, all mesothelioma data within the KCIC database was considered, including talc cases where disease was stated as mesothelioma.

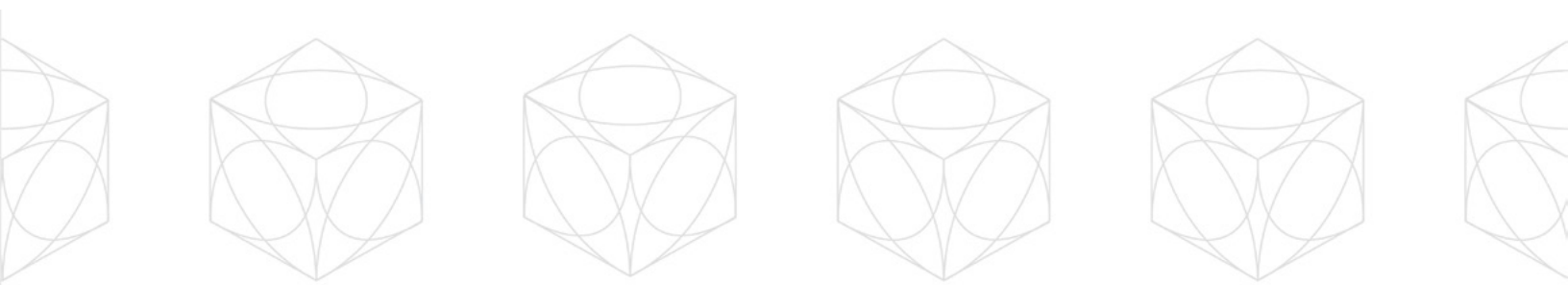
Through KCIC’s asbestos liability forecasting work, comparisons have been made between the actual number of new mesothelioma cases and deaths as reported by the CDC, observed mesothelioma filings from KCIC’s complaint data, and predicted mesothelioma deaths from standard industry predictions, such as the seminal study of future asbestos disease incidence that was published in 1982 by W.J. Nicholson, G. Perkel, and I. Selikoff (Nicholson) as well as KPMG’s update of this model as presented in the Garlock case (KPMG/Garlock). Figure Propensity – 5 compares the CDC data for new mesothelioma cases and mesothelioma deaths, the Nicholson predicted number of mesothelioma deaths<sup>3</sup>, and the KPMG/Garlock predicted number of mesothelioma deaths by year.

**MESOTHELIOMA ACTUAL INCIDENCE AND DEATHS VS. PREDICTED DEATHS**



Propensity – 5

For decades, the Nicholson forecast of mesothelioma deaths followed a curve that was remarkably well correlated to annual mesothelioma deaths appearing in the National Cancer Institute’s cancer registry. In recent years, the Nicholson curve has underpredicted observed mesothelioma deaths. This is not surprising, as Nicholson’s study only included selected occupations and industries and was based on a dose-response model using assumptions appropriate in 1982.

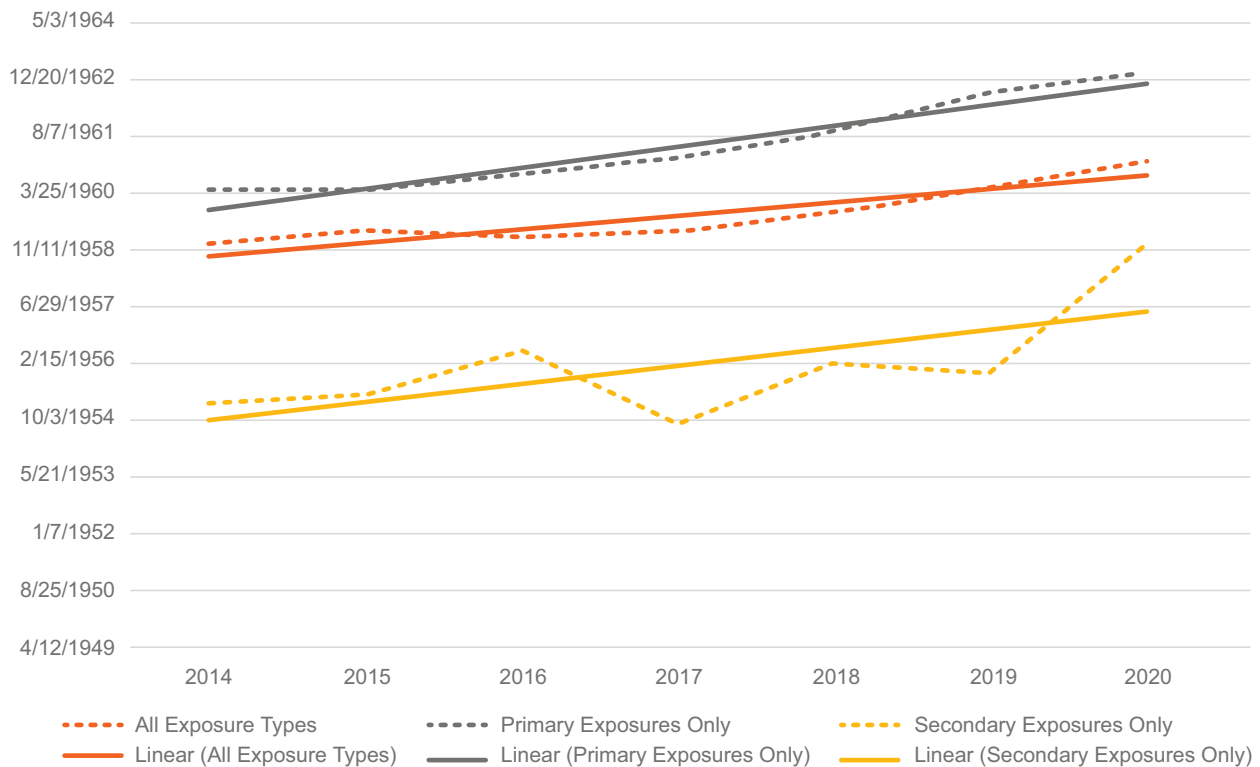


<sup>3</sup>Nicholson projected deaths from asbestos-related mesothelioma for selected industries and occupations quinquennially; the Nicholson curve in Figure-5 extrapolates each year equally between the five-year Nicholson numbers.

## DOFE CREEP

When predicting how many more decades into the future asbestos litigation might last, one metric is to measure by file year the movement of plaintiff’s date of first exposure (DOFE) to asbestos. Most asbestos-containing products were taken off the market in the 1970s and 1980s. In theory, once the average first date of alleged exposure to asbestos exceeds that point, filings should significantly decline. For this analysis, KCIC analyzed the DOFE to asbestos listed in complaints, where available. For the period considered, 87% of plaintiffs had exposure date information stated in the complaint. Figure DOFE – 1 shows the linear trend lines for average DOFE per file year for all exposure types<sup>4</sup>, primary exposures only, and secondary exposures only.

**TREND LINE ANALYSIS  
AVERAGE DOFE BY EXPOSURE TYPE**



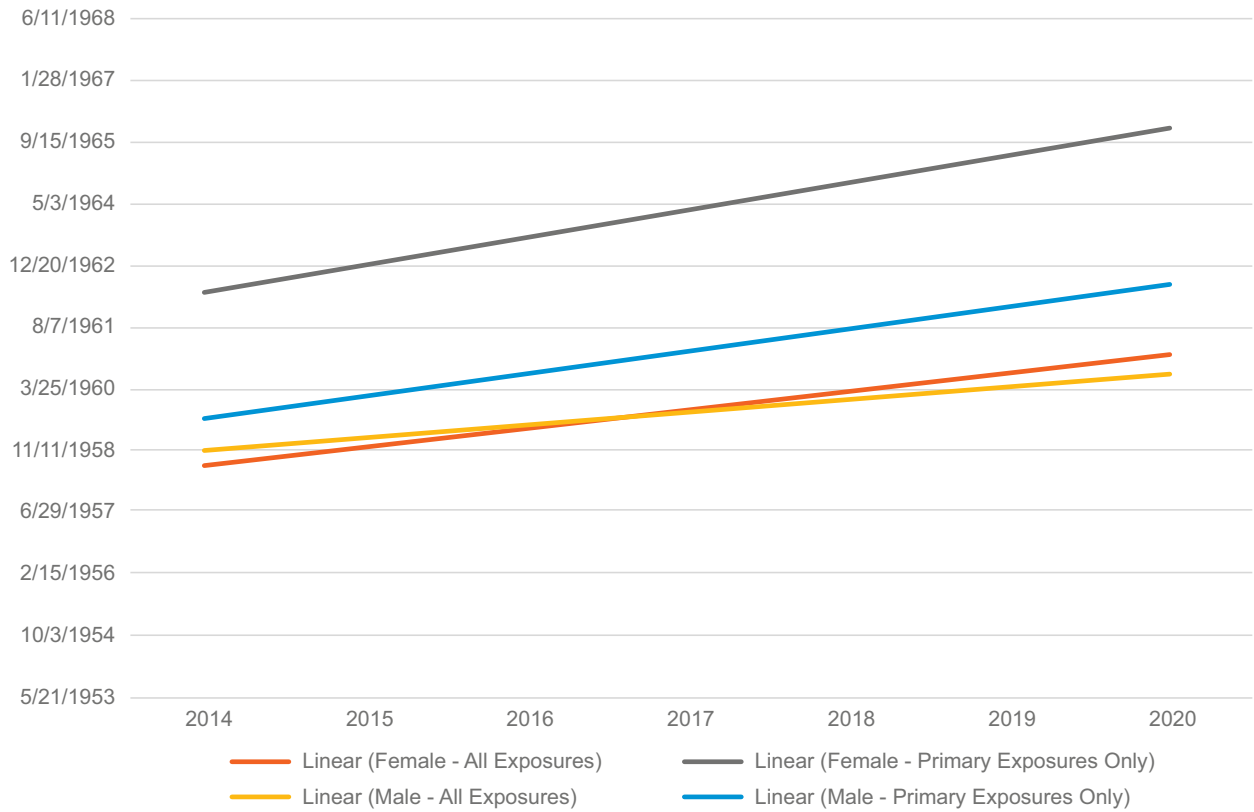
DOFE – 1

From 2014 to 2020, the average DOFE for filings moved from January 1959 to December 1960. When only looking at primary exposures (excluding secondary exposures), the average DOFE for filings moved from March 1960 to February 1963, as secondary exposures were, on average, earlier than primary exposures. On average, plaintiff DOFEs (all exposures) moved forward 24 months between 2014 and 2020 – an average of 4 months per file year. In the same period, the average DOFE for primary exposures moved forward at an average rate of 5.7 months per file year and secondary exposures at a rate of 7.7 months per file year.

DOFE trends differ not just by exposure type, but also by gender due to the different work histories and gender norms in the country during decades past. Figure DOFE – 2 depicts the trend line for average DOFE by file year, by gender, for all exposure types, and primary exposures only.

<sup>4</sup>Primary and secondary exposure types are as defined in the Gender/Exposure Types section of this report.

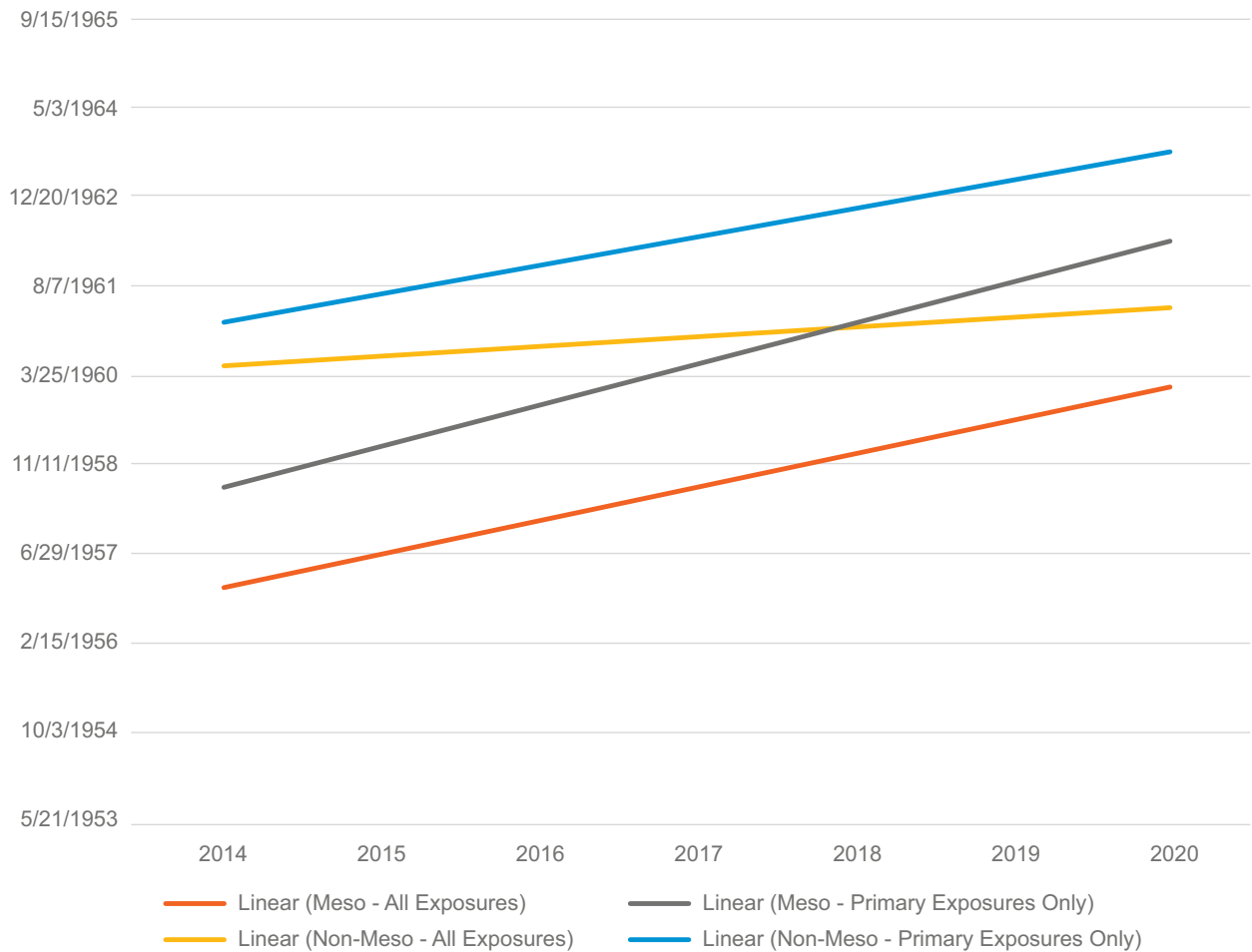
### TREND LINE ANALYSIS AVERAGE DOFE BY FILE YEAR, GENDER, EXPOSURE TYPE



DOFE – 2

When looking at the average DOFE for males and females (all exposure types), the average male DOFE was slightly earlier and slower moving than that of females. Between 2014 and 2020, the average male DOFE (all exposure types) moved from December 1958 to November 1960 – an average of 3.7 months per file year. During the same period, the average female DOFE (all exposure types) moved from March 1959 to January 1962 – an average of 5.7 months per file year. In other words, the average DOFE for females was later, and moved approximately two months, per file year, faster than males. When secondary exposures are excluded, the difference in rate of change for males and females lessens. The average male DOFE for primary exposures moved from November 1959 to September 1962 – 5.6 months per file year — while the average female DOFE for primary exposures moved from August 1963 to November 1966 – 6.5 months per file year. For both genders, the average DOFE for primary exposures moved forward at a faster pace than that of the average DOFE for all exposure types.

**TREND LINE ANALYSIS  
AVERAGE DOFE BY FILE YEAR, DISEASE, EXPOSURE TYPE**



DOFE – 3

Another variable affecting DOFE trends is disease type. There is a longer latency period between exposure and disease manifestation for mesothelioma than for other disease types. Therefore, the average DOFE for a mesothelioma plaintiff was generally somewhat earlier than that for plaintiffs with other diseases. Figure DOFE – 3 shows the linear trend line for movement in average DOFE for mesothelioma cases (all genders) and other (non-mesothelioma) cases (all genders) by exposure type.

For 2020 filings, the average DOFE for mesothelioma claims (all exposure types) was March 1960, compared to October 1961 for other diseases. Average mesothelioma DOFEs for all exposure types moved forward at a pace of 5.7 months per file year, more quickly than other diseases, which moved forward by about 2.7 months per file year. When secondary exposures are excluded, the average mesothelioma DOFE was May 1962 for mesothelioma filings and November 1963 for other diseases. Mesothelioma primary exposures moved forward at an even faster pace of 6.9 months per file year, compared to 4.9 months per file year for other diseases.

While the average DOFE is moving forward, it is doing so at a rate slower than one year for every one year of filing. Factors such as exposure type, gender, and disease have all impacted the DOFE trends, therefore filing trends for each of these variables will greatly impact the exposure pattern for future filings. While this analysis is indicative of overall trends in this litigation, a particular defendant’s exposure profile could differ from these trends as it will be impacted by that defendant’s exposure history, product fact patterns, and other defendant-specific variables.





## ABOUT KCIC

KCIC is a technology and consulting firm that helps companies manage their product liabilities by providing a full range of financial, strategic and operational services. Bringing decades of industry knowledge and technical expertise, KCIC leads the industry not only in claims administration, but also in corporate policyholder insurance policy analysis and archaeology, liability forecasting, insurer billing and allocation, credit analysis, expert reporting, and a variety of other custom solutions.

KCIC's technology and service are at the forefront of the industry. Its claims administration system, the Ligado Platform, brings everyone together on one platform. All information can be efficiently and accurately shared through its secure online system.

KCIC does its best work when partnering with clients to combine leading-edge technology and consulting expertise to create innovative solutions. The combination of experience and technical capability provides clients a full understanding of their liability data and insurance coverage, and allows them to make better, more strategic decisions for their business.

© KCIC 2021

WASHINGTON, D.C. | CHICAGO | SCOTTSDALE

**KCIC.COM**

PHONE: 202.650.0600 EMAIL: [CONTACT@KCIC.COM](mailto:CONTACT@KCIC.COM)